[2] to present anything we have not thoroughly investigated. We have not stepped outside the geographic limits set forth except for a few incidental remarks. Although the cultural uniformity of the Nkundó-Mongo is remarkable it is not, of course, absolute. And if we have used the title Mariage des Nkundó (Marriage among the Nkundu), we have done so because it was difficult to find one which would be more appropriate for the geographic and ethnic limits of [14] this study. It is very likely that in most cases our data are valid beyond the limits we have laid out, but to generalize upon it before making a thorough study of each group would be contrary to all scientific method. The reader is therefore earnestly requested to take these remarks into account and to abstain from giving our conclusions too broad a scope.

Familial institutions in themselves and in their totality are outside the scope of this book. But since they are based on marriage, they have an important place within our framework. We must necessarily touch upon them, but we will limit our excursions into that realm to what is required to make the general description intelligible. On the other hand, the study of marriage throws a good deal of light on familial institutions.

128 5% 614 The words "family," "clan," "group," etc. recur frequently. The family is an entity smaller than the clan, and the latter is subordinate to the group. Since it is very difficult to give a precise definition, however, we have taken the trouble to make a clear distinction only when necessary. (1) [Editor's Note: Elsewhere we use

1. See Chapter V, Article III.

them more as generic terms or even as synonyms. In order to make family relationships and the expressions used by the Nkundó to designate them more comprehensible, we are attaching an example of a genealogical table.]

[3] I know of the following previous studies on the same subject:

Engels, "Les Wangata," Revue Congolaise, 1910, which also deals with marriage.

G. Kapteijn, "Familieleven en -zeden bij de Inboorlingen van den Evenaar," Congo, 1922, Vol. 1, p. 531. [15] This study covers

593x 578 sides with his family against his wife does not have the approval of those who judge the conflict simply as neutral spectators. In such a case it is usually felt that the couple do not love each other very much. And often the marriage soon breaks up. But if the union is maintained nevertheless, its continuation is generally attributed to a fear of the consequences of dissolving the marriage, which would be even worse. The same sort of variation among individuals is to be found in the matter of a wife's devotion to the interests of her husband's family.

593x 596 It is not possible to compare a native household to the households of good simple people at home, where [40] the family is composed solely of parents and their children. Here it extends further; the husband's interests are also those of his parents, brothers, uncles, etc. As we will see in connection with marriage by inheritance it is not unusual for a woman to remain attached to her deceased husband's family. Others are more interested in enriching their own families.

593x 159 579 The following is a historical instance of a wife who was very devoted to her husband's interests, though there seemed to be room in her make-up for pride and personal glory. (1): Bolúmbú wá

1. According to my estimates, this episode is about a hundred years old. I knew two men who had recollections of it: the eldest (Longwokó of the Basékí Bengóngó, Bongíli) was about twenty years old when it occurred. A greatgranddaughter of Bonyeme (Mputú Sofie) is now in her forties.

nsánjí, daughter of Bokombe of Litíli (Bombwanja), was married to Bonyeme w'ényukí of Bonganda (Bonkoso). One day (her father having died in the meantime) she went back to visit her brother, Bompelí w'élombo, who had left Litíli to settle in his maternal village, Etóo of the Boéndé. They began to quarrel. Bompelí maintained that Bonyeme wasn't worth much, that his wealth was exaggerated, that it was a mistake to honor him, etc. Bolúmbú

848 has precedence over them and can become head of the family after his grandfather and uncles. In his natural father's clan, on the other hand, he has nothing to say.

848 596 If a man pays the bride price for a girl who has had a child by him, he asks his father-in-law to let him have his illegitimate child. This wish is almost always granted. The father-in-law well understands his son-in-law's fatherly sentiment of love and considers it quite legitimate and proper that a father should himself possess the [588] fruit of his own flesh. The only condition laid down is that because of the child the son-in-law must increase the amount of the bride price valuables by an extra slave or his equivalent. (1)

1. This transaction may even take place after the mother's death.

The father is not in a position to invoke any rights strictly speaking. The child is not considered as his because of his physical paternity, but only because of his father-in-law's kindness. If the latter were to refuse the father's request, he would not be acting in violation of justice. But his behavior would be considered as inhumane toward his daughter's husband and his grandson, and it would be criticized.

When a child is adopted by his natural father in this fashion, no one despises him for his illegitimate birth [90]. This procedure may therefore be considered to establish his legitimacy.

848 178 Nowadays, among the Beloko and their Elinga, the practice of "buying" the child has sprung up. That is, if a man does not marry a woman who has had a child by him, he pays her parents a certain amount in order to obtain the child. There does not seem to be much opposition to the introduction of this custom, which springs from an honorable feeling for paternity and its duties. Its only disadvantage is that in such a case the child may never claim any rights in his mother's clan. (1)

1. See Chapter VIII, Article IV.

848 614 595 If a stranger marries an unwed mother, he is never given the child, which remains in the mother's family. This situation is clearly distinguished from those mentioned above.

583[k] 604 These rights prevail even if the nephew has wealth at home. In that case -- which is extremely rare since ordinarily he prefers to remain with his own clan -- he does not make use of them if his uncle has only two or three wives (whom, however, he can inherit), [596] or if other close relatives [136] are in need. For to do so would show a great lack of affection for the family (lícta), and he would be severely reprimanded.

Because of all that, the nephew (bɔ̌nankáná, "sister's son") sometimes abuses his rights. That is the basis for the following proverbs: nkɔ́ɔ́ ákumb'omɔ́ngɔ́ lokombo, "the leopard takes the owner of the hunting enclosure" (that is to say, the hunter); bɔ̌nankáná ákonola nyangɔ́mpámɔ́ walí nd'ɛ́ɛ́ko, "the nephew abducts the uncle's wife even in his own domain"; bɔ̌nankáná ale inganja v'áliko, "a nephew is a stick overhead." This last proverb is the Nkundó version of the sword of Damocles.

In short, a nephew has a right to the assistance of his maternal uncle if he settles with him and is adopted by him. Upon the death of his uncles he becomes heir and head of the family. But his rights are second to those of his uncle's brothers, who are also his "mothers." If he remains in his own clan, he receives help and can even obtain the bride price of one of his female cousins born of his mother's nkita. He may even receive part of the inheritance, if it is large. His rights are based on the fact that his uncle was enriched by the valuables given him by the nephew's clan in payment for his sister's marriage.

583[l] 556 Finally, if a young man does not even have any close relatives, because all are deceased, and if for some reason he has no patrimony (because of dissipation, debts, exploitation of the weak by the strong), he is forced to procure the bride price through his own labor: carving, hunting, fishing, setting elephant snares, making traps and hunting enclosures, clearing fields, or, nowadays, working in the service of the Whites. In former times there was also the possibility of war or raids by which he could obtain valuables or prisoners to sell as slaves. The wealth which someone acquires by his own work is called bɔ́ɔmbá (bakonga, etc.) bá mpambɔ́ɔkɔ (literally, "by the strength of his arms").

583 Nkundó often express through the reciprocal form -ɔ́ngɛ, bokíló l'okanga bɛ́-ngana, "father-in-law and son-in-law are acquired through marriage payments." Thus many men try to come as close as possible to the amount of the bride price in the nkɔ́mí payment, so that there will be a certain balance between the two. Then to keep that balance between the assets, every payment of the bride price is equaled by new nkɔ́mí valuables. The purpose of this action is to equalize the influence of the two contracting parties lest that of one become excessive and predominant, a development which is not always conducive to the stability of the marriage and harmonious relations.

Article VIII. Acceptance of the Bride Price

583 • 596 When the husband, his family, and the ndonga have departed, the valuables brought are collected and placed before the woman's father. In the family hierarchy this task falls to the father's sons and younger brothers. Then the elders deliberate on how to use them. They bend down (bɛ́sumama), as the Nkundó say in their metaphorical language. Here as in all gatherings of family councils and deliberations of any jury, the father is asked to give his opinion. But without even making a statement, he immediately yields the floor to someone to whom he owes respect -- his elder brother, his nephew (that is, his sister's son), etc. The latter does likewise, yielding to the next person, and so the process continues. Finally, the father is again asked to speak; he asks the others each to take from the heap whatever object he wants whether it be a ring, a knife, or a spear. Together with the family patriarch he decides what to do with the bride price that has been received. They have to act in accordance with the laws of justice in protecting the rights of all and of each individual (see below, Article X).

593 What happens if the parents do not accept the bride price placed before them? Such a thing can happen. The following is a recent case: Etanda, daughter of Isia of Ekɔlɔ́kɔ́lɔ́ (Bɔ́tɔ́ngɛ, Bɔ́kɔ́ɔ́la) was engaged to Longa of Bɔ́ɔ́ka I'Asumba (Wɛ́ngɛ́), who had paid the ikɔ́lɔ́ and the ndonga for her. At the time of the wala

585 of the bongia." (1)
609
[595]

1. This term also designates the wife of a polygamist who has brought along one of her relatives as co-wife; she is the nyangongili [sic] of the latter. (See Chapter VII, Article IV.)

For "to obtain a nkita" the Nkundó say -umba nkita, literally, "to fell a nkita," as one fells a tree or an adversary. Or they may say -bĕta nkita, "to possess a nkita" (umba or bĕta so-and-so, la nkita). "To become a nkita" would be rendered as -kwĕ nkita, "to fell into being a nkita."

573 The hierarchy of those entitled to the bride price is based on
5% the general hierarchy of family members, which gives precedence to the older generations and, within each generation, to the older members. Consequently, as long as a member of the family having the title of isé (father) is unmarried (unless he is physically or mentally incompetent), no bĕna (son) is entitled to a bride price, even if it is that of his own sister. Within the same generation, the older members have precedence over the [165] younger ones, but boys have priority rights to the bride price of their uterine sisters. (1)

1. For limitations and exceptions to this right, see Chapter V, Article 2.

It occurs quite often, and was even more frequent in the past, that the person entitled to the bride price is still too young to get married, either in reality or in the opinion of his "fathers." (2) The

2. See ibid.

bride price is consequently used for the benefit of another member of the family. The creditor reaps the benefits later in the form of inheritance.

[602] Even if the woman or women meant for him should die or be taken in slavery, he can obtain the bride price of a cousin to which

583 no one has direct rights (for instance, if she is an only child) or that
576 of his mother's nkita's daughter, as we will see below.
602

In these instances there is a temporary suspension of rights or rather a change in the individual entitled to them. These adjustments are made very frequently and can affect several people. Bride prices may even fall to fairly distant relatives, even in the maternal line. The transactions are performed by the patriarchs for the greatest good of the family as a whole. New rights benefiting the person originally entitled to the bride price are being created, and
583 the woman married by its means has become the equivalent of a nkita
607 in relation to him -- as is the following instance:

Bakutu b'Ôfóngé (Boniface) of Bombénga w'Ôkenda (Besombó, Bombwanja) has a sister Wétsi, whose bride price serves to provide his paternal uncle, Elongama éy'intsa, with a wife, Ikóló of Ndongó-Bongíli. Bakutu's rights over his niece, Bakutu, daughter of Bolélo, are transferred to Bofénda d'Ekókola, son of his paternal great-aunt Etóka and therefore, in Nkundó terminology, to his father. As a result he obtains the rights over the bride price of Wángi, the daughter of his uncle [166] and Ikóló. At the same time he acquires a certain authority over Bofénda, the beneficiary of the bride price that was originally intended for him, and over the latter's children.

When the bride price is meant to procure a nkita, there is nothing to prevent the remainder, should there be any, from being used to pay a debt, a fine, etc., or, more especially, from being given to a relative so that he can procure a wife for himself.

If, in an exceptional case, the bride price is not used for its
[684] original purpose, this deviation constitutes an infraction of the law, because it is a violation of the rights of the girl for whom the bride price was paid, for she is thus deprived of her nkita and consequently of certain advantages. It may happen, however, that there is a conflict between this law and some other. In such cases of circumstances beyond one's control, it is up to the legal authorities to determine which of the two has priority.

Such was the case of Bolóli, daughter of Ilolf y'Ongtmé, of the Basóki Longwâne of Bonjoku (Bonkoso). She was married to Bombélenga

B. Those who are entitled to the bride price

It is apparent from everything we have said that the bride price is placed in the possession of the father of the woman for whom it has been paid. In his absence it goes to his eldest brother or, if his bɔnankɔfɔ has settled there and inherited the father's authority, he is the one to receive the bride price of his niece (cousin in our terms). Otherwise it goes to the eldest son. In short, the rights to a bride price are passed down in the order of the family hierarchy.

The mother's clan receives the copper spirals, the goat, and certain of the bɛfɔngɔ. [176]

There are circumstances, however, under which this order can be destroyed so that the father's clan does not get the slightest portion of the bride price. This happens if the daughter who is to be married has left her father's clan for a sufficiently good reason and has been adopted by her mother's family. The following is a historic example of such a case:

The events took place at Bompɔma (Injɔlɔ) between 1890 and 1900. One of the inhabitants, Ilɔnjɔ yɔ Nɔombɔla had had two children by his wife, Eale of Bokɔndɛla (Bɔngɛ): a boy, Mpulɔmbɛ and a girl, Embɔmbi. The girl was abducted by one of the black soldiers who had come to occupy the region and was taken by him to his native village, somewhere near Coq. The wife of another man from Bompɔma, named Isɔmulu, was carried off and taken away by another soldier. Ilɔnjɔ owed Isɔmulu a dog. The latter took advantage of the disorder caused by the beginning of the occupation to demand his due with violent threats. Ilɔnjɔ, having no dog and probably frightened, handed his son over to his creditor. Isɔmulu hastened to find the soldier who had taken his wife and offered to give the latter the slave boy in exchange for her. The pair came to an agreement, and the soldier took away the boy, who died in his master's hands in a manner unknown to me.

Still during the time of the Independent State, Embɔmbi was able to make her way back to her country. Passing her mother's village, she heard how her father had acted toward her brother Mpulɔmbɛ. Indignant, she decided not to continue on her way; she

declared that she was breaking with her father and wished instead to live at the home of her maternal uncle Isfia. After a time, a certain Belekê came to ask for her in marriage and paid the bride price to Isfia.

In 1922, Ilôndj6 went to Bokôndela and presented a complaint to Chief Efêle against Isfia, because the latter had taken his daughter's bride price. Efêle, assisted by the messenger Bongimâ and by notables, decided in favor of the accused; Since the plaintiff had gravely offended his daughter by delivering her brother into [177] slavery, which resulted in his death, he first had to be reconciled with her. If she accepted his apologies, the father would receive her bride price. They agreed on the nature of the reconciliation gift (bolenge): Ilôndj6 would pay a goat. Since he did not have it with him he handed over his knife as a pledge (wêkɔ). Iomf, the bôsankôma of Isfia (who by then had died), promised to make restitution of the bride price and in anticipation paid 12 rings and 3 knives. Ilôndj6 went back home. They awaited him in vain; they did not see him again -- neither him nor his goat.

Act three: February, 1933. Efêle, Bongimâ, and the rest had been removed as a result of a reorganization of districts. Bokwêla had been made chief of the Bofingê. The district tribunal began to function again, and our Ilôndj6 took advantage of the situation and recommenced his attack. He brought complaint against Iomf and against Isfia's brother, Engongolo, who was not there in 1922 but who now had returned home. On March 6, 1933 the palaver was settled. Naturally, the men who newly held their authority found this a good opportunity to strengthen their position and did the exact opposite of their predecessors. They condemned Iomf and Engongolo and decided in favor of Ilôndj6.

Here we see a real abuse of power. For according to Nkundô law, only Ilôndj6 was in the wrong. He had conducted himself badly all the way down the line. His daughter had no obligation to recognize him as father, since he had virtually disowned her in the first place. And her mother's clan could have, even should have, received the bride price (see also the case described in Chapter IX, Article IV).

583^ Which of these payments is the essential component of the bride price? The ikulf and the ndanga can unquestionably be excluded. The nature, purpose, and names of these payments as well as the title accorded to the woman after they have been handed over show that they are simply engagement payments. Of the other two payments, we can conclude that the walo is the essential one. For the bonkoo adds nothing legally to the marriage, and its significance lies only in secondary matters which need not be repeated here.

6. The role of the family

583^ 596 As we have seen, it is always the father or his successor, who arranges everything, who takes care of everything, who plays the leading role. A marriage cannot be arranged in the absence of the head of either the husband's or the wife's family.

As this book is being written, a young man, Ikotama of Bongili (Lifalí, Ekonda), who is in possession of the valuables necessary for the bride price of his intended, Etili, daughter of Mpoló of Lofalí (Bongili), has for many months been awaiting the arrival of his uncle Ekamba, who is head of the family [183] and who has been detained by his duties as catechist of the Protestant mission at Longa.

Although the mother receives a certain portion of the bride price, she has no right to intervene in establishing and arranging her child's marriage. Her husband informs her of everything and even pays more or less serious attention to her views, opinions, and wishes; but he does so solely out of the spirit of harmony and conjugal love, not because she has the slightest rights, legally speaking.

This would be the place to make a synthesis of what we have seen up to now and to try and deduce from it the legal concept of Nkundó marriage. But since some very important questions still remain to be studied, this synthesis must be put off till the end of Chapter III. [184]

Any of the types of evidence listed above is sufficient to legitimize the application of one or another of these penalties. Nevertheless, the husband is required first to notify the elder members of his family and the nkonga, who do not permit him to act unless the misdeeds have occurred repeatedly. The readiness to accord the husband permission depends on the temperament of the interested parties and on a great many circumstances, the most important of which is the respective social prominence of the parties involved.

The need to ask permission of the "fathers" and the nkonga, which we have already encountered in reference to other situations (above, Article III, 4), does not weaken the husband's rights [318], but it limits their use. It is not a legal obligation but one that is imposed for family reasons, which are as follows:

1) The respect due to the "fathers" in this as in all important matters;

2) The respect due to the nkonga, who in marital matters is the husband's superior and whose intervention must be called upon in any serious situation;

3) The repercussions of any inconsiderate or rash action on the entire family (enmities, wars, etc.).

If forbearance and patience are fruitless, no one can blame the husband any longer. And when the woman's family compares the censurable conduct of their daughter with the generosity of their son-in-law, they will naturally be inclined to find that he is in the right and so usually will not intervene against him.

Note also that the Nkundó invoke the need to maintain their honor as justification for the obligation to notify the authorities. They must be able to inform the unfaithful woman's clan and thus safeguard their good reputation as defenders of order and public peace.

A woman whose husband loved her very much was subjected to the nsíka only. He would reprimand her and strike her, and would try to correct her behavior by means of gentleness and leniency.

As we will see <u>sup loco</u>, a husband who is exasperated by the incorrigible infidelity of a wife whose punishment of other widely

duties is also unsatisfactory, may sometimes resort to divorce or to selling her into slavery, but rarely to killing.

Colonization has abolished torture, slavery, killing, and the legitimacy of assassination. A husband has no other sanction against an unfaithful wife than to insult and beat her. And even there European law forces him to restrain himself lest he commit excesses which [219] involve him in a trial before the white man's court. Fortunately for marital fidelity, a reaction in favor of the repression of adultery has recently begun, following the official establishment of native jurisdiction. In the not too distant future, this reaction will culminate in a return to ancestral law in a form adapted to present circumstances.

B. Against the accomplice, the injured husband has the right to make use of two sanctions: violence and the payment of an "indemnity."

1) If the husband catches the accomplice in the act, he always has the right to wound him, or even to kill him, or reduce him to slavery. The last two forms of vengeance were not practiced unless the respective villages of the husband and the culprit were fairly distant from each other and not bound to each other by any special ties (friendship, mutual assistance, or affinity). This reservation existed because of consideration for the offender's relatives, the desire not to bring them excessive sorrow. Another cause for caution and calm is the economic or military inferiority of the husband's clan, or the fearlessness, the valor in battle, in a word, the strength of the culprit's family. A special case which makes all other considerations disappear is adultery with a favorite, whose husband's love for her is especially passionate and jealous.

If the offender's adultery was not limited to a few isolated acts but was becoming a real habit, or if he had already seduced many women, resulting in many palavers for his family, the husband could be bolder. For the rake's close kin would finally be exasperated with his incorrigible and disastrous misconduct and would rather be rid of him. (1) [220]

1. See also Chapter VIII, Article II, 2, A.

Some men are strict on this point, while others are more tolerant. Clearly, the technique of such men is most subtle. The more a wife's lover is permitted his freedom, the greater is the likelihood that other women, who prefer a young man passionately enamoured of them to their husband, will ask the polygamist to marry them. A man who is sufficiently wealthy and influential can in this manner build up a harem from which he does not benefit physically but which assures him of a dominant social position.

This practice exists almost exclusively in conjunction with polygamy, but cases do occur among monogamists. And among more "civilized" tribes, such as the riverain people of the Lower Congo, a tendency in that direction is developing.

A request for concubinate made by a relative of the husband cannot be considered in the same category with the situation we have just examined. Such a request is more closely related to the request for an inherited wife (see Chapter III, Article II). The difference is obvious. The only thing the two situations have in common is the fact of legitimate cohabitation with another man's wife. One perceives this immediately upon comparing the two.

Article IX. The Family's Role in Marriage

We have found that there are situations in which a woman is to some extent considered and treated as the wife not only of her husband, but also of certain of his relatives (Article VI). Moreover, we have seen in Chapter II the big role that the families play in the arrangement and continuation of their children's marriage. In discussing the question of the inheritance of wives, we have seen that the close relatives of the deceased have rights over the widow; one of them may marry her without any obligations toward the chief heir, and the new union is not a new marriage but a continuation of the previous marriage, which is not broken in spite of the first husband's death. A similar observation was made in relation to the practice of wife replacement (Chapter III, Article IV).

All this leads us to raise a question: To what extent does the family have collective rights over the wife? The following answer is

the one which seems to me to conform to reality.

A wife is acquired by means of a payment of valuables. These valuables belong chiefly and in the first instance to the one who has obtained them, either through the marriage of his daughter or sister or through his own efforts. In the last instance, the husband has more direct and personal rights over his wife. In the first instance, the closer the husband's kinship with the woman who has furnished the bride price through her marriage, the stronger are her rights over the wife. Other members of the family, however, also have secondary rights over her in proportion to their position. For they are bound to the husband by ties of kinship as descendants of the same ancestor and therefore share in varying degrees the duties and rights of the moral entity based on a community of blood. [340]

The family's participation in the husband's rights is based on the one hand on the economic nature of the marriage agreement and, on the other, on the solidarity of clan and family.

That is why a marriage continues despite death. From the personal point of view it is broken -- so that, for example, the woman may subsequently become another person's legitimate wife, which she could not have done during the first marriage, but from the financial and social point of view it continues to exist. The same is true for wife replacement. As to the relations of a younger brother with his elder brother's wife, they are permitted only under certain conditions which are clearly defined and limited. This fact proves that the younger brother may only very inaccurately be termed "husband." The woman does not have two husbands; she has only one: the elder brother. The relations with the younger brother are permitted not as a personal tie, but only because of the community of financial interests between the brothers, and the elder's pity for his unmarried junior.

Everything considered, and despite all, a woman has only one husband. Taking into account the explanations given and the description of the formalities through which certain persons may intervene in their relative's household and the extent to which they may do so, it is apparent that a husband's rights over his wife are basically personal and exclusive in spite of his recognized prerogative to yield these rights to others.

unproductive. Nowadays, they occur somewhat more frequently. A feeling of generosity has developed toward sons and younger brothers, and the valuables are often set aside for their use.

If the bride price has already been transferred, the solution [400] is less clear cut. Under the old regime the matter was fairly clear, which is no longer true at present. But let us proceed by stages.

In the past the question was as follows: Theoretically it was assumed that the woman's family was not in a position to make restitution. In practice, however, they managed to do so, either by substituting another woman, or by borrowing the needed valuables, or by giving the husband a bride price received by one of the divorcée's relatives. The husband had certain means of forcing his father-in-law to pay (see above). Other times the notables of the clan were moved by a threat of war. They unceasingly urged restitution, and unless the debtor himself was the most influential member of the group and of an unyielding nature, he gave in to their entreaties. If, on the other hand, the husband did not have recourse to the means mentioned, he simply had to wait until his father-in-law received a new bride price.

Nowadays the ancient customs have been abolished, and the whole question has changed as a result. Nevertheless, in spite of the external changes, the colonial administration wishes to act in the spirit of ancient native law;

By establishing regular native courts and giving them the right to judge in accordance with the laws of the tribes themselves, adapted to changed circumstances, the decree of April 15, 1926 has armed these courts with the means of working for this adaptation. But in practice it has not yet been accomplished. This fact must be attributed to the difficulties of finding a solution which would, on the one hand, perpetuate the spirit of the ancient system and, on the other, satisfy legitimate aspirations toward better regulations, aspirations which as a matter of fact are favored by the colonizing power. In this connection one must think especially of the gradual abandonment of polygamy.

The European authorities do not seem to have come to a clear decision as yet with respect to what method of restitution

[332]

THE FAMILY HEAD AMONG THE NKUNDO NEGROES

The family among the Negroes is organised in a patriarchal fashion. The father is lord and master, not only over his children, but also over all of his descendants. The power over his daughters and daughters' children, however, escapes him through his selling them.

All important things were dealt with and settled by him. Thus, for instance, to speak of only the most important, if one of his sons or grandsons had to be helped to get a wife, then it was for him to decide whether or not it was time for that. It was he who negotiated over that transaction and finally decided about the purchase of the wife. If one of his children or grandchildren shot an animal, then it was brought to him, and the distribution was made according to his decision and under his supervision. If one of his children had difficulties with his wife, the matter was judged by him. If one of the wives of his children ran away, he went to look for her if the matter was of a serious nature. If he was not able to settle the matter, then it was up to him to decide if the return of the money must be demanded or whether the matter must be decided by means of arms.

To the end of his days, sickness and imenity notwithstanding, he remained the only lord and master, and nothing was dealt with without his knowledge and approval. He was honored and respected up to his last breath.

Law of Succession

The law of succession is very much askew in relation to the patriarchal fatherhood mentioned in our history. Here it was not, it is still not today, the oldest son who was considered, even when he was of age. At the death of the father, these full powers passed to his brother. The children [333] female as well as male -- of the deceased brother, even though they were older in years, called him father and also showed him all the honor attached to the title of father. All their disputes and matters of importance were brought to him and settled by him. At his death the powers of family government passed again to his younger brother, and so on until all of the brothers had died. At the death of the last one, all rights passed, not to the oldest, second, or third brother [among his sons?], but to the oldest son of

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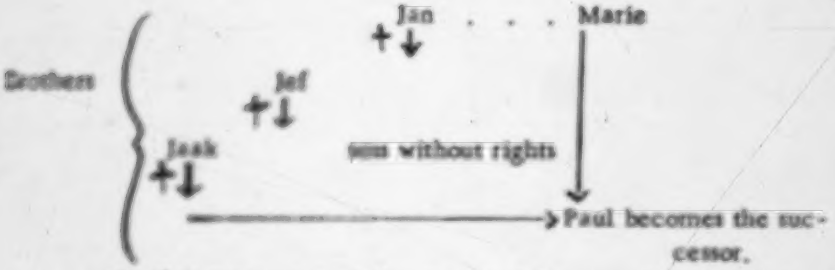
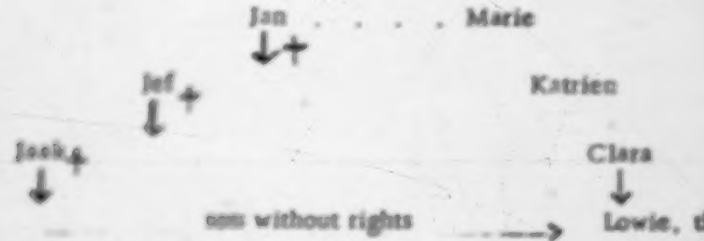
their sister, bona wa nkana. As an example:



Or if there were more sisters, the rights passed to the firstborn son of those sisters, for instance:



He consequently became the father and supreme head of the family upon the death of the three brothers.

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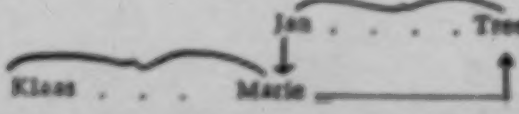
In order to understand this peculiar custom clearly, some explanations should be given. The custom in this country is that the women is sold; not a single one escaped that general rule in former days. With that money the father or brother bought, or rather, had to buy himself another woman. This wife belonged, however, to the daughter or sister who had been sold; the daughter or sister called her nkita, "goods" or "property." The children born of this nkita called her [the woman sold]: ia'a'umoto, "female father." Even if she brought male children into the world, the rights of their mother passed to them, and [334] their mother was called father by the children of the nkita. According to our idea, they were only nephews. That held even if the woman was still not paid for; it was enough that a ndonga, a security as proof of further payment, had been given. It was also not

596 necessary for her father or brother to have brought her to the man and
583 to have received money for her; another member of the family was
56 sufficient. She was sold by her family and accordingly, wherever the money had remained or whoever had received it, she had her rights in the family. Since the family maintained itself through the sale of the children of the female sex, the male children born of them were considered as the masters, the rightful claimants, the fathers. There was no exception to this rule; it was not to be altered, and no one had ever thought of disputing the place of the claimant or of laying claim to his rights. I have only heard of one single case of that sort, namely, at the succession of the Ruki, the younger brother was said to have killed his older brother in order to take over his place. He was said to have made a hole in his brother's pros, so that it sank when it reached the middle of the stream. The matter in itself seems an impossibility; also I consider it a legend, unless an accident might have happened that was interpreted in a mistaken or deliberately false manner.

596 The rightful claimant, bona wa nkana, sister's son, might
57 still be a child; nevertheless he was called father and everyone vied with one another in showing him the honor due a father. That was the unbreakable law, not only for the father common to the hamlet, boloi, but also for the father of each individual family.

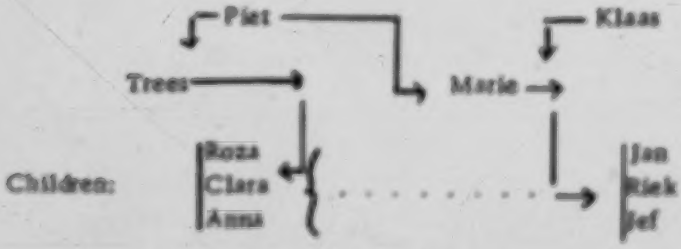
Nkita

583 Nkita is what the woman is called who is bought with the money
602 that the father or brother has received for his daughter or sister on the occasion of her marriage. In reality, however, she is only the nkita, goods or property, of the sold woman. Nkita ekam, "my property," this woman calls her. For instance, Jan [335] sells his daughter, Marie, to Klaas and buys another wife, Trees, with the money received. The latter woman is now the nkita, the property, of Marie.



Rights of the Male Children in Relation to the Nkita of Their Mother

596 583 605 We have already seen that the right of succession and fatherhood passed to the male children of the sister, because she had been sold and had brought money into the family, or rather because she had a nkita there, a sort of guarantee for the money that had been received for her. Nkita-ship brought another right to them, namely, the female children born of the mother's nkita belonged to them; they could sell them and get themselves other women with the money. They could [582] not, however, marry them, since they were their cousins, and custom was opposed to any marriage between relatives. The boys could, [603] nevertheless, take the nkita of their mother as a wife, since the Negroes have no notion of affinity or relationship by marriage. The male children were, then, the owners of the female children that the nkita of their mother brought into the world:



These three girls, children of nkita Trees, belong to the three sons of Marie. If Marie had only one son, then Piet would have the right to trade the two other girls for money and to buy other wives with this money, either for himself or for his younger brother; but if she [Marie?] brought female children into the world, half of them belong to Marie's son.

583 604 If the nkita gave birth to no children of the female sex, the boys of Marie could resort to the husband of the nkita of their mother, namely, their uncle, nyangobika. If, however, he had no fortune, no money, [337] no wives, no girls to sell ... or only wives to whom others could lay claim and had more right, then they were disinherited, poor devils in society, and it cost them long years of work and much

583 Jan, the father, by selling Katrien, the nkita of his daughter
604 Marie, becomes indebted to Joseph, the son of Marie and at the same
603 time his own grandson; and on the other side he becomes the debtor of Antonius, his other grandson, by selling his mother, Katrien.

Anna, whom he bought, was then the nkita of Katrien and the quasi-nkita of Marie. Both sons, Joseph and Antonius, were hard pressed because of Anna, the nkita of both of their mothers. If Anna bore two daughters, as I have indicated, the case was simple: the first daughter belonged to Joseph and the second to Antonius. If, however, she gave birth to only one daughter, then this child belonged to Joseph, and Antonius was left out in the cold. If father Jan had no children of the female sex by Anna, then the matter was extremely thorny for both of them, and if their grandfather or uncle possessed no money, had no more wives by whom he had daughters, there was nothing left for them to do but, at his death, to take the nkita of their mother as a wife. For this reason it happened many times that young men lived with old women, and even though there was then generally no more hope of children, those wives were then still good enough to cook the meals and do the little work that a Negro household requires.

000 I will not digress any further about the method of distribution of women, about the rights over the women which the nkita system brings with it. It would take us too far. Furthermore, not only the present, but also the past and the future are involved in it; so that one would have to be a Negro and raised in those matters to understand them clearly ... and even then they involve numerous palavers (disputes), which continually agitate the families and the villages.

[339] The Origin of the Nkita?

● 571 583 582 The sale of the woman and the immediate loss of her freedom must naturally have given her cause for revolt. It has perhaps cost the man a severe struggle to make the woman content with her lot. A compensation or reimbursement had to be given to her, and most certainly the nkita system has its origin there. It was at least a partial compensation that the men gave to the women. It gave her rights over her nkita

596 583 562 and over the children who were born to the latter; even more, it gave her own children rights which exist nowhere else in the world and probably among no other people: they became the superiors, the fathers of the family of their mother. Unfortunately, practically considered, the woman enjoyed very little of the gift which was given her; she remained what she was, slave of money, slave of the man. Even her children, for whom the nkita-ship secured such great advantages in her family, brought them into a false situation, in that it robbed them in the home of their own father of all the advantages that it brought them in the home of their mother's father. It was only the old and well-favored who actually gained advantage from the nkita system and enjoyed them.

1) It relieved them in the first place of all care on behalf of their daughters whom they sold while still children; and if later, after they were grown up, these daughters complained about the injustice done to them, they could answer them, "But, my dear daughter, I have done you no wrong; here in my own house is the woman whom I bought with your money; she belongs to you always, and the children that I have by her are your children; you see both their father and their mother; they will call you is'womoto (female father), and in that capacity they will honor and serve you; the boys will at the same time be the children of your children, and the girls will be sold to give your sons the opportunity to buy a wife for themselves."

2) It discharged them for the most part from all care of providing a wife for their sons, and it denied the latter the right to make claims to the women whom the father possessed. [348] If the son begged his father for a woman, he could put him off and say to him, "But, my boy, you have the nkita of your mother; the children (girls) who will be born of her are for you. We shall sell them, and with the money we will buy you a wife." Most of these girls, however, were traded by the father for another wife, since his son was still, in that case, small. Almost all the women then ended up in the harem of the father before passing on to the son. Thus, after all, the nkita system only benefited the lust and the lasciviousness of the old Negro and made him the one and only master of the woman. Sons, daughters, wives, and children were, in contrast, the dupes and victims of the nkita-ship.

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Ntomba

THE *NKUMU* OF THE TUMBA

RITUAL CHIEFTAINSHIP ON THE MIDDLE CONGO

H. D. BROWN

THE tribes living round Lake Tumba, a lake some thirty-five miles long by twelve wide lying north of Lake Leopold II (approximately 1° 30' south latitude, and 18° east longitude) and draining into the Congo River at the confluence of the Ubangi, lack cohesion and show a considerable variety of custom and language. But they are known collectively as Tumba, the Government adaptation of the Native term *Ntomba*. Most of them are found to the east of the lake, the whole group numbering perhaps little more than forty to fifty thousand at the present time, though there is evidence that the last twenty years have seen a great decrease in population. European occupation of this area goes back barely fifty years, Protestant missions having been established for about the same length of time. The first mission post was established at Bonko on the south-east shore of the lake, one of the villages of a group known as Bongindo. In pursuing this investigation particular attention has been given to the practices of this group, but mention is occasionally made where considerable differences have been found elsewhere.

The Tumba are agricultural, hunting, and fishing people. Their country is flat and swampy with dense forests, and there are many watercourses flowing into Lake Tumba. There are occasional small, low swampy plains, and one such area, more open, with quite wide stretches of prairie, is a haunt of buffalo. The forests are fairly well supplied with game, and the swamps, streams, and lakes with fish. A heavy rainfall and no distinct dry season make agriculture reasonably easy and famine unknown. Every family has its plantation of manioc, the staple diet, which is supplemented by plantains and bananas. The people make their own tools, formerly smelting their own iron for this purpose, are fairly skilful at making dug-out canoes, engage in weaving raffia and making mats out of split cane, and are efficient at pottery production.

The role of the *nkumu* in the socio-religious activities of the community is one of the most interesting features of Tumba life. As a result of European contact the ceremonies connected with the *nkumu* are rapidly disappearing, but it has been possible to collect considerable information from the older men and women among whom the details are still vividly remembered.* The following report refers to the period previous to European occupation and control, a time within the memory of a large number of people, but already sufficiently remote to become a matter of hearsay before the lapse of many more years.

An understanding of the place of the *nkumu* among the Tumba requires a glance at the tribal organization. According to the people themselves, they migrated westward, and coming into these parts chose land for themselves. Among the several

* In *My Children of the Forest*, New York, 1914, pp. 38-51, Anderson P. Shuster has briefly outlined some of the forms of initiation observed among the *nkumu* of the district adjacent to that of the present study. These more detailed notes are, however, chiefly of a general nature and it is to be suspected that superficial contact is necessary.

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596 invading groups of kinfolk there was always one who was considered as the family head, and this man could claim the title of *nsomo mokonda*, the owner of the land. Round this man the rest of the members of the family group clustered, and he had the general direction of their affairs. He could scarcely be termed a chief, having a paternal overnight rather than exercising any wide authority demanding organising ability and political astuteness. The succession of *nsomo mokonda* runs collaterally through younger brothers in the first place; hence if a first-born male happens to hold that position, the succession among his younger brothers is in the order of their birth. When these have all died the succession passes to the next generation. If all the males of a group die, it is possible for a daughter's son to leave his father's side in order to assume the position of *nsomo mokonda* on his mother's side.

A *nsomo mokonda* can delegate his duties as head to another member of the family, who is then termed *mokowi e ele*, the husband of the settlement. For such a privilege payment is generally made to the *nsomo mokonda*. Round these *nsomo mokonda* and their immediate kinsmen others gathered, forming, it may be, another section of the same settlement, known then as an *otaka*, or, if numerous, another settlement.[1]

624 The *nsomo mokonda* (or *mokowi e ele*) hears and judges cases that come to him, aided
593 always by a group of elders, and directs the activities of the settlement. However, this does not entirely satisfy the Tumba; they want an *nkumu* also. The *nkumu* is chosen, not by the whole settlement, but by a single village, or it may be even one *otaka* of a village. If the villagers of a settlement were without an *nkumu* it would generally, but not necessarily, be the *otaka* of the *nsomo mokonda* which would lead off by seeking one out. The group desiring an *nkumu* are known as the *mokoto*, and they look about for a man of the same tribe but not of the same settlement or village, an outsider. He must be a man of some wealth, for actually he will buy his right of authority and pay heavily for it. If the man who is approached accepts, he is known from then on until his accession as *Nkumu Akulu*, the term *nkumu* not being used until he is finally invested with the insignia of office, the *mentulu*, or hat of special design. *Nkumu Akulu*'s family is known as the *okapa*, or *mongo*. This man,
554 once having accepted the invitation to become *nkumu*, sets about amassing wealth in the form of wives and brass rods. He may be years about it, but he does not thereby forfeit his right to the office, nor apparently weary those who extended the invitation. Should *Nkumu Akulu* die before he is installed as *nkumu*, or should he wish to withdraw from the honour bestowed upon him, the succession passes to another member of his *okapa*. The succession would normally pass to the eldest male of the *okapa*,
787 but many circumstances may interfere to give it to another member of the family. A dream dreamed by a male of the *okapa* to the effect that he should be the *nkumu* is sufficient to give him the right of succession over the eldest male. When asked
681 whether it was common to lie about such a dream having occurred, in order to gain the right of succession, those questioned resolved the suggestion with emphatic negatives, for this is no time to lie; any man so doing would be sure to die, and the [illegible]

[1] Where practical, the hereditary chiefs are up by the Belgian Colonial Government are men chosen because of their right to be known as *nsomo mokonda* or *mokowi e ele*. Often, however, the settlements are so small and lacking in cohesion that it has been necessary to set up chiefs arbitrarily over distributions very much larger than were their own hereditary spheres of influence.

thus, *Nsese* is a very prominent figure. Still arrayed as previously described, she sits outside the *nsapi* near the road on the special stool of the *nkumu*. Nobody may pass her with food, a humane law, considering that she must spend the day fasting. If anyone attempts to do so she catches the unlucky individual, helps herself to as much of his food as she wants, the victim meanwhile begging her to be merciful and leave him a small portion, and the booty is taken into the *ijumu*. During this sentinel duty *Nsese* must still keep the parrot's feather in her mouth and maintain silence, so, in case she catches an unsuspecting bearer of food, the remonstrance and arguments are all one-sided.[1] After the first day *Nsese* no longer sits outside the *nsapi* but goes from place to place in the village, choosing spots where people may least expect her, hoping thus to reap a bigger harvest for her pains. This is kept up for eight days, which comprise two Tumba ' weeks ' of three days' work and one of rest. The rest-day is appropriately named *lotsu lo nsese* after the duty of *Nsese* of sitting doing nothing day by day. The eight days of this ceremony over, *Nsese* lays aside her gourd and plantain stalk, which are placed at the foot of the first central supporting post of the *ekenge* on entering. She is given a fresh coating of chalk and three coloured stripes are drawn the length of her back and down her arms. She still remains close to the *nkumu*.

Various personalities are connected with the *nsapi* of an *nkumu*. The *Bumbi* is a male slave, clothed in a skin loincloth cloth, whose duty it is to receive callers at the *ijumu* before admitting them to the presence of the *nkumu*.

Mpanga is the name taken by the wife first married by the *nkumu*. From henceforth she no longer accompanies her husband, and their cohabitation ceases unless the *nkumu* is willing to pay her each time the sum of one hundred cods. But the *nkumu* is obliged to eat all food she cooks for him even though they have a quarrel. *Mpanga* does not honour her husband with the special greeting accorded to *nkumu*, but greets her husband and all other *nkumu* as she would ordinary people.[2] The second wife of an *nkumu* must assume the name of *Iyumbe Angumbi*, but no importance attaches to her position.

Among the Tumba generally, apart from the Bongando, a woman is chosen from the *mokondo* to bear the title *Bokumbe Isina i Ekopo* (*Bokumbe*, the ' *nkumu d'Etat* ' of the *ekopo*). She is, it would seem, a symbolical figure, a reminder that the *ekopo* owes its existence to the *mokondo* of which this woman becomes the titular head. While the *nkumu* is still in seclusion the chosen woman is taken to the open space between the *ijumu* and the row of sons' houses, known as the *nsodo*. Here, in the presence of the assembled crowd she is greeted by being addressed, "*Bokumbe Isina, bonsa*" and the crowd exclaims, "*Bosa*".[3] Strips of leopard skin, about eighteen

[1] It is interesting to note that there are some exceptions to those who may be caught and robbed by *Nsese* during her eight days of watching. No member of the *mokondo* may be thus treated, nurse and their parents are exempt, and also all children born to the *nkumu* before he attains office, these being termed *mamei*.

[2] Besides *Mpanga*, a number of wives is also exempt from according *nkumu* special salutations, and among some groups the father of twins is also exempt.

[3] This ceremony gives husbands of any village, whether they are members of the *mokondo* or not, the opportunity to single out a favourite wife for special honour, for at this time any woman may be given the name of *Bokumbe*, though not with the significant complement of *Isina i Ekopo*. The ceremony is similar, is performed at the *nsodo*, but besides receiving the strips of leopard skin, she must be dressed in all her clothing, a new *lumbu* and *nganga* are then placed round her, and the strips of skin then attached to the new belt.

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inches long and two inches in width, numbering up to seven are brought and attached to the back of her *lombe* by folding them over it.[1]

The first male child which was born to the *nkumu* before he acceded to the office is known as *Iyumi Nkisi*. If he has none, then the right to this name passes to the first male child to be born to his younger brothers. Any child born on the day that the *nkumu* is given his *nsentolo* is also called *Iyumi*; if a male he will be *Mole Iyumi*, if a female, *Mjwole Iyumi*.[2] These children must not see the *nkumu* until they are old enough to know his name and greet him properly, and so they are taken to some village other than the one in which he has his residence. When such children are considered old enough to take up residence in the village of the *nkumu* it is an occasion for revelry, a big dance, *ombe*, is held, and there is a feast. The child, *Iyumi*, is brought to the village of the *nkumu* with rejoicing, and this is a signal for everybody desiring to do so to help himself to anything belonging to the *nkumu*. Goats and fowls may be killed and eaten, sugar-cane rooted up, bananas, plantains, and other crops growing near by seized for food. Because of this custom the *nkumu* will take precautions and send his livestock, at least, off to some other village in order not to lose more than he can help.[3]

The *nyombo*, the singer or singers, and the *wemi*, the praises already mentioned, remain with the *nkumu* during his period of seclusion. Added to these is *otombe lokombi*, the bearer of the *lokombi*, a stringed instrument played with the fingers, similar to a lute viol in its general appearance.

Inside the *ijumu* during the seclusion of the *nkumu*, few people have the right of entrance, but as one enters the *shango* where the daylight hours are spent, one finds the couch of the *nkumu* on the left and towards the rear. On the same side and towards the front are seated the *otombe lokombi* and the *nyombo*. *Nome*'s couch is to the right of, and parallel to, that of the *nkumu*, but still to the left of the centre post. To the right of her couch is the fire in the centre, and beyond the fire on the right side is a couch for the *wemi*, likewise somewhat to the rear, with a space in front for the *wemi*.

The month's seclusion being completed, the *nkumu* prepares to buy the homage of the village. *Nome* puts off her decorative colours, and assumes ordinary attire, becoming like any other of the wives, and is ready to take up all the usual duties of a wife, whether in the garden or at the house. The people are called to come and render to the *nkumu* their homage and praise. The men come to the *ijumu*, are admitted to the presence of their *nkumu* and seat themselves on the bare earth with their legs wide apart and facing him. They then, without uttering a word, greet him in the

[1] The *lombe* is a belt which used to be worn by Tumba women encircling the buttocks, and this was used to attach their only garments, the *nkumu* among the Bongandu, this being a short loin cloth, or an *ejanga* among other groups, this being a woven cloth strip worn between the legs.

[2] When a new *nkumu* assumes office, one already in office will take this opportunity of getting rid of his new named *Iyumi*. He takes them to the outside of the new *nkumu*, and having placed a bracelet of cowrie shells on the right wrist, and sometimes one on the right ankle, asks the mother of the outside whose right it is to give away the *nsentolo* to name these were *Mumi* (pl. of "*Iyumi*"). The man will then take such a son, and presenting him to the people introduce him by giving him a name, and following with praise as, "*Ose Iyumi Lomoi, Ikoso*" and the crowd replies with the customary "*Ikoso*".

[3] It is well to remember that not every individual bearing names associated with the institution of the *nkumu* is directly concerned with it. With the practice of "succouring," dead relatives by naming new-born children after them, such names as these become widespread.

customary manner, with a double clap. They are told by the *nkumu* to repeat the salutation, and having done so may be asked to do it a third time. They are then given a few rods in payment. If the *nkumu* sees some member of his own *ekipa* coming to greet him, he gives him special honour by ordering him to lie flat on his back instead of merely sitting, and at the end he gives him a larger gift of rods than the others receive. In this way the *nkumu* may pay out a great many rods to those who thus render him homage. Ordinarily a man will receive five or six, but one specially honoured may be given as many as twenty. From the beginning the *nkumu* has to pay heavily for his honours, and only a wealthy man can hope to attain them. For this reason a lawful successor, if not wealthy, may be glad to give up his rights to another more fortunate member of the *ekipa*. Homage having been paid, word is sent out that the *nkumu* is about to come forth, and crowds begin to gather. A coat of red camwood powder mixed with oil is smeared over the *nkumu*, the brass plates are attached to his *mwondo*, and he is attired in all his finery. The crowd outside disperses, and when tired sits on the ground to await the rest of the ceremony. Inside, the *lokondo* begins to play, the *nyembo* to sing, and the Batwa *atenji* to praise the *nkumu* by uttering an ululating sound. Accompanied by *Nkumu Bokpe*, and the *mwesi*, the *nkumu* himself begins to dance. The temporary protecting screen round the *ipaw* is pulled down, and he is seen by all. After his dance he retires again and the crowd disperses.

When *Nkumu Ahadu* becomes *nkumu* he changes everything possible so as to become different from other men. Thus he assumes a different gait, a sort of bow-legged waddle, a different tone of voice, and it seems that under this influence even his facial features undergo a change. Accompanied by his retinue, he visits the various villages where he has friends and relatives in order to greet them. This over, the musicians wish to take their departure and are paid for their services by the *nkumu*.

At the conclusion of these ceremonies the *nkumu* with his *ekipa* and the *nsikombi* negotiate concerning their obligations to one another. If the *nkumu* is the first of his line, he and his *ekipa* are given land to cultivate, while succeeding *nkumu* simply take over the land originally acquired. The *nsikombi* call their *nkumu* their wife, and they designate themselves husband. They thus reckon the relationship between *nsikombi* and *ekipa* to be that of husband and wife, and, as in an actual marriage, there must be an interchange of obligations performed in a spirit of harmony. Also, as in marriage a wife may be divorced, so an *nkumu* with his *ekipa* could be sent off to their home and the arrangement terminated. It not infrequently happened that an *ekipa* or the *ekipa* fell out with their lords and if such a disagreement could not be righted they might be refunded the payments with which they had purchased their rights, and sent off home.

Among the reciprocal obligations of *nsikombi* and *ekipa* are included the sharing of certain animals and birds killed in the hunt, among which are the leopard and elephant. All killed, whether male or female, must be divided. Of certain other animals, including the wild pig, antelope, and buffalo, if a female, no portion is given, if a male, the required portion is presented. These reciprocal obligations are limited strictly to the *ekipa* and *nsikombi*; if others outside of these groups wish to present the *nkumu* with meat to honour him or to curry favour, they may do so, but they are under

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no compulsion. If one of the contracting parties fails to fulfil its pledges in this matter of giving part of the kill, or in anything else, the aggrieved party may call the council together. This consists not only of members of the *mokanda* and *ekipa*, but of all elders of the village or villages connected with this particular case. The party judged in the wrong, whether *ekipa* or *mokanda*, will be fined, the injured party receiving its share, and both parties will be charged to live together henceforward and observe their contracts.

The power of the *nkumu* was apparently limited, and did not supersede that of the *mosese mokanda*. When trials came up, the aggrieved party might go either to the *mosese mokanda* or to the *nkumu*. If it was necessary to call the village elders together about it, both these authorities were present at the hearing. First the young men of the group were allowed to give their verdict, then the old men, after that *mosese mokanda* (or the *mokanda e ele*), and finally the *nkumu* was given the privilege of the last word. He would comment on the opinions of each of the judges, criticising one young man, commending another, and then giving his own verdict, at which the group would assent by saying, 'Even so, grandfather'. The whole group of judges would then fix the fines, a double portion of which went to the *nkumu*.

The actual manual labour which an *nkumu* may do excludes anything endangering life or limb, or requiring agility and speed. He may clear the bush for his gardens: this is a man's work. He may take part in the building of his houses, but may do no high work, and, among the inland groups, it is the work of the Bateva to put the roof on for him. The *nkumu* may also prepare pitfalls for catching game, but cannot engage in any other type of hunting or do any fishing. Digging a grave is prohibited, for, as we shall see, everything pertaining to death must be ignored by the *nkumu*.

Other rules affecting the daily life of the *nkumu* may be roughly divided into three: those affecting his person, those having to do with his food, and social regulations.

One of the great points of observance in the first class of regulations is the importance of the *mantsh*. The *nkumu* must on no account be seen during daylight hours with an uncovered head. If he wishes relief from the cumbersome *mantsh* he may take it off in the darkness of his house and put on an ordinary hat made of skin, and when night falls he may walk where he will bareheaded if he so desires. The skin hat, known as *lindo*, may be made from two animals only, in the case of an *nkumu*, one being the *ekalaka*, a species of antelope with light-coloured hair, and the other the *jodo*, an animal resembling a beaver. The skin of the *ekalaka* may be used by anyone, but the *jodo* is reserved for the *nkumu* only with one exception. The skin of the *jodo* may also be used for the carrying strap for infants known as *nyonka*, which is worn over one shoulder in bandolier fashion. For the *nkumu* the skin of the *jodo* is limited to the informal hat, *lindo*, and for making into the *lokuta*, a pouch used for carrying small objects and worn like a sporran. As a corollary to the importance of the *mantsh* may be noted the importance attached to the head of the *nkumu*, which must never be seen uncovered in daylight.

The Bongindo *nkumu* never wash in the daytime, but may wash at night with hot water. The inland *nkumu* never wash. Even the Bongindo *nkumu* never wash their heads, and no *nkumu* ever cuts his hair. If the *nkumu* becomes too greatly inconvenienced, one of his wives may dehorse his head, but only within the privacy of the house, by the light that enters the rear opening.

614 He represents the A-group in the council of elders of the village
and of the other large units. Since no members of the group
[607] are considered capable of conducting affairs, all the legal
transactions which they undertake are treated as though they had
been sanctioned by the patriarch. To a large extent the members
of the group may represent one another. In the absence of the
elder, a younger member may act as the representative of the
[623] group at council meetings. When the senior member dies, his
function will be taken over by the next oldest member of the
group.

614 An A-group will split up only through internal conflicts
602 which cannot be bridged or through a large population increase.
The newly-formed A-groups continue to maintain a close rela-
tionship which, at first, is much closer than among the B-groups
whose A-groups have split much earlier. In the higher ranks
cohesion after the split diminishes only gradually; thus many
gradations develop in the feeling of cohesion. These gradations
could not be even approximately reproduced in a diagram with
any degree of exactitude. There is no formula by which the
split takes place, as there is, for example, among the Tallensi (13)

13. Fortes, The Dynamics of Clanship,
p. 34 f.

where it is determined by a certain number of generations.
614 Theoretically the A-groups are "eternal." The A-groups are
● 596 subdivided into small families. Within the polygynous families
592 nuclear families [Familienkerne] (14) have a still independent

14. Thurnwald, Menschliche Gesellschaft,
Vol. 4, p. 12.

position economically. Each wife has her own house. A hus-
band's wives and the wives of his sons have their houses within
the same homestead. As the master of the homestead, the
father has an open shelter where the men spend their time and
[768] hold their meetings. Upon the death of the master of the

614 homestead, it is deserted by the inhabitants. On the new dwell-
• 736 ing site the sons each build their own shelter. In contrast to the
592 groups of the type A-E, the group living within a homestead is
[768] finite: its existence ends with the father's death. Only a man whose father (in the European meaning of the term) has died may have a shelter. Thus the homestead community is interposed between the A-group and the small family.

64 To sum up the characteristic features of the A-groups: Membership determined by male descent; unity of legal power, especially insofar as landed property and inheritance law is concerned the senior has full power; succession by simple seniority; theoretically unlimited existence of the group. The A-groups consist of small families who live together in homesteads under one father in each case.

Groups of Rank B

614 There is usually a friendly, neighborly relationship be-
793 tween the A-groups which form part of a B-group. People assist each other to a large extent, and there is joint consultation on most matters. Group B has only one Nkfimfi ilɔki, "master of the hidden power," the priest of the kinship group, who is consulted by all the members of the group. He functions during the magical preparations for the hunt; he is consulted before any important undertaking. During the leave-taking ceremony after a burial, he converses with the deceased, and people turn to him when the ancestors have appeared to them in their dreams to transmit their desires, orders, or other information to the living. He protects the people of his group from the ill will, nɔkɔki, of the dead and the living. The priest of the kinship group is used as the criterion [194] to determine which group of homogeneous A-groups represents a B-group. The priest of the kinship group is descended from a certain one of the related A-groups.

614 There is a difference in rank among the A-groups of a
554 B-group -- one group will be regarded as older -- but this is

In general one may assume that local groups will postulate only that kind of kinship relationship which does not necessitate a substantial functional reintegration. For this reason, units above the exogamy limit will easily tend to construe a genealogy which "proves" a kinship relationship. Groups of that type are functionally weak. One can observe processes of this kind both among the group of the Bakonda and among the neighboring E-group, Lonyanyanga. The institution of the nkimd (see above, p. 14) also appears to have a leveling influence. The privileges of the oldest (and free) group diminish in importance and fall behind the office of nkimd. The new office is also open to younger and dependent groups.

Sociological Terminology for Kinship Groups

Before dealing with the units which are to be regarded as settlement groups, we shall compare the kinship groups of the Ekonda with the sociological ideal types. Keeping in mind the authors mentioned at the beginning, I shall now discuss the various terms used for groups which are applicable to conditions found among the Ekonda. [196]

Family

The small family is of no importance in the organizational system of the Ekonda. Nevertheless it is very important as the smallest unit of economic life. Each small family is potentially polygynous, but monogynous marriages are more numerous at the present time, especially among the younger generation. In view of this difference between potential and practiced polygyny, it seems advisable to follow Thurnwald in classing the polygamous forms together with the small family and to differentiate its nuclear families (18). In my opinion this approach

18. Vol. 4, p. 12 f.

seems to correspond more closely to its functional importance than Murdock's view, according to which the polygamous family

12] together with the large family [Grossfamilie] is put into the
5% category of "composite forms of family" (19). In Thurnwald's

19. Murdock, Social Structure, p. 13.

"Technical Terms" there are two passages dealing with the large family, one under the heading "Family," p. 12 f., the other under "Large Family," p. 14. Under "Family" Thurnwald writes:

"...The 'large family' differs from the family in that in the former several generations with a common grandfather live together in the same homestead or even under the same roof. The nuclear families, and the men forming part of them, remain relatively independent. Naturally, even in this unit relatives lacking any protection may be taken into the group. The large family differs from the kinship group (q. v.) in that in the former all its members live in the same dwelling site, and the degree of kinship between the members is mainly seen in a line descending from the head; in addition, it forms an economic unit. A further characteristic feature of the large family lies in the fact that it resembles any family in being tied to the life of the persons who constitute it and that it becomes extinct with them, while a kinship group renews itself automatically. It is, in a manner of speaking, 'eternal'."

Under the heading "Large Family," he writes only: "... The phenomenon of at least three generations descended from one another living together under a common head (grandfather with children and children's children) is defined as 'large family' (see Family, Kinship Group)." There is a discrepancy between these two definitions. If, according to the first definition, a group dissolves upon the death of the persons constituting it, i.e., the oldest generation, the phrase "at least" may be valid for the norm, but not for the specific case. Thurnwald defines the family in the same manner in Lehrbuch der Völkerkunde [Textbook of Ethnology] (20). If we accept Thurnwald's definition --

20. Thurnwald in: Preuss (Ed.), Lehrbuch, p. 229.

[21] the material collected by Kirchhoff (21) and the ancient Roman

21. Kirchhoff, Zeitschrift für Ethnologie, Vol. 43, p. 88 ff., p. 96 ff.

familia would serve as good examples -- a patriarchal large family could be described as a kinship group, living, working, and maintaining a household together, consisting of a husband, his wives, and all his offspring, and splitting into the large families of his sons upon the death of the father.

Kirchhoff defines the large family in the same fashion, yet he takes care to point out that here, in contrast to a kinship group, persons who have married into the group are part of it (22).

22. Kirchhoff, Zeitschrift für Ethnologie, Vol. 43, p. 90.

Murdock's conception of the "extended family" is identical with this interpretation (23).

23. Murdock, Social Structure, p. 24.

On the other hand, in Vol. 2 (p. 22) Thurnwald regards the large family as a unilateral kinship group with persons who have married into it. This group lives in the same place and is governed by a common chief from whom all the members are supposedly descended. The kinship group, in contrast to the large family, may be scattered. [197] Thus, Thurnwald at this point puts other characteristics in the foreground, but the text allows the conclusion that for Thurnwald the dependence on the life of the head of the families and its temporary nature are the essential characteristics of a large family.

In this sense none of the units described under $A\text{-}E^{1}_{A}$ is a large family. The wives who have married into the group belong to the group of the husband, but they always remain part of their father's group: in case of divorce they return to the

$^{1}_{A}$ [pages 9-15, category 116.- Analyst]

father group. Another factor which reminds us of the wife's continuing membership in her original group is the connection, never completely severed, between the groups related by marriage, illustrated by the practice of gifts and counter-gifts which are all part of the bride price and the dowry. When she dies, the wife is buried in the soil of her group. In addition, the group membership of the wife is transferred to the children, although this does not have the same effects in economic and political terms. Matrilineal descent is important in relation to marriage restrictions, certain avoidance practices which are passed on through the wives, and also certain privileges. Quite a large number of persons has settled permanently in the group of their mother or that of their grandmothers.

The decisive factor that makes the term "large family" unsuitable is the "eternal" character of the A-E groups of the Ekonda. However, the subdivisions of the A-groups which live together in a common homestead (see p. 10) may be regarded as large families in the sense used by Thurnwald, Kirchhoff, and Murdock.

Kinship Group

In the definitions of the term "family" quoted above, we already learned something about Thurnwald's concept of a kinship group, but there is an additional reference to the technical term "kinship group" ["Sippe"]" (p. 17 f.) (24):

24. Menschliche Gesellschaft, Vol. 4.

"...A kinship group is defined as a clan (q.v.) which is not politically independent. Usually the loss of independence is caused by the distribution of the people of the clan among the various settlements. A kinship group is held together by the consciousness of being descended from the same ancestors and by their common cult of the ancestors. The kinship group is of special importance for the regulation of marriage (q.v.). -- A kinship group may be divided into kinship subgroups (large